

	Tender Questions and Answers	Document Identifier	240-7124948	Rev	1
		Effective Date	01 April 2023		
		Review Date	April 2031		

To Tenderers	Date	18 June 2026
	Enquiries	Naledi Lekoto
	E-mail address	lekotonk@eskom.co.za

Dear Sir/Madam

Request for Enquiry Number	E2955CXMWP
Description / Project Title	Provision of Forensic and Anti-Corruption Services for Eskom and Eskom Subsidiaries (Forensic Investigations Backlog Project) for a period of 18 months (12 months with 6 months contingency)
Tender Questions Closing Date	

Item	Questions	Answers	Clarity Published Dates
1.	On 15 July 2025, Eskom issued a 5-year tender for forensic services. The reference number was E1568CXMWP and the closing date; 18 August 2025. We are waiting for the final adjudication of this tender. What we have been receiving so far is Extension of Validity Request.	This enquiry under reference number E2955CXMWP does not in any way replace the enquiry under reference number was E1568CXMWP. The enquiry under reference number was E1568CXMWP is ongoing and will be finalised shortly. The enquiry under reference number E1568CXMWP is for the appointment of service	08 June 2026

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	We have now received a new Tender Document also for Eskom Forensic Services with the Reference Number E2955CXMWP. The period of this particular one, unlike the previous 5-year, is 12- month with an option for 6 months. We have to concede that this is <i>sui generis</i>, something of its own kind wherein another forensic tender on the same services is advertised amid a pending one. May you therefore assist us by clarifying on the status of the previous request and whether this new one automatically nullify the previous one.	providers over a longer term to deal with forensic cases on an as and when basis. The enquiry under reference number E2955CXMWP is for the appointment of service providers over an 18-month period with a specific scope.	
2.	Regarding the Public Interest Score (PIS) requirement, the tender document states that where financial statements are not audited, tenderers must submit either their PIS or IT34C. Could you please confirm how this requirement applies to small companies whose financial statements are not audited but are independently reviewed? Would the independently reviewed financial statements be sufficient on their own, or should they also be accompanied by the PIS and/or IT34C	The PIS and ITA34C are compliments to the financial statements. SME's must submit the financial statements as independently compiled or reviewed where an audit has not been performed. The PIS is an indication to the business on the requirements at the time of the financial statement preparation.	08 June 2026
3.	Annexure I - SBD 6.1 on page 50 of 55 the table does not have any specific goals allocated for this tender. In the tender briefing session it was stated that the 90/10 principle will be used.	The 90/10 principle will be used. Tenderers must refer to notes on page 50 of 55 and complete the second last column of Table 1.	08 June 2026
4.	SBD 6.1 tier (* vs #) — The content list (clause 1.1.8) marks Annexure I as * (disqualifiable), but the returnables table (p14) marks it # (score-zero, non-disqualifiable). Which governs? (We'll submit it regardless, but the answer affects risk.)	This returnable is required to be submitted at tender closing date and time. The returnable will not be requested by the Procurement Practitioner. A tenderer that does not submit the required returnable at stipulated deadline or submits an	11 June 2026

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		incomplete returnable; will not be disqualified but will score zero.	
5.	Annexure L — wrong tender reference. The Pricing Schedule header reads "Tender Ref: MWP1457CX_R" and the sheet tab "MWP1576CX_R" — neither is E2955CXMWP, and the description says "Consulting Services Panel" not the Backlog Project. Confirm this is the correct pricing schedule to use for this tender. (Don't want to price on the wrong form and be disqualified.)	The updated " Annexure L_Pricing Schedule Rev01 Forensic Backlog Project_Tender _MWP2955CXMWP " which reflects tender no E2955CXMWP has been published on Eskom Tender Bulletin and National Treasury e-Tender portal.	11 June 2026
6.	Annexure O — which evaluation sheet applies? The workbook has three sheets: "Investigations & Post Invest" (threshold 70, matches the ITT) plus "Category A" and "Category B" (threshold 75, referencing a different procurement MWP1457CX, 3-yr/5-yr panel). Confirm scoring is solely on the 70-threshold sheet and the Category A/B sheets don't apply.	Refer to the updated " Annexure O - Technical Evaluation Criteria_Rev01 Forensic Investigations Backlog Project " The tender number has been updated to reflect E2955CXMWP for 18 months project. The "Investigations & Post Invest" sheet will apply with the threshold of 70%. Categories A and B are not part of the evaluation sheet under this tender, E2955CXMWP.	11 June 2026
7.	CPA applicability. The Annexure E/F header says CPA is "not applicable to professional services," yet Annexures L and P both carry a dedicated CPA-for-professional-services clause (CPI Headline, from each anniversary). Confirm CPA applies from year 2 (documents point to yes — a one-line confirmation closes it).	Tenderers to ignore the Annexure E/F Headings and refer to the following statement: <i>"For contracts with a duration more than twelve (12) months, CPA will not be applicable for the first year. CPA will then only be applied from year two (2) onwards."</i>	11 June 2026
8.	Pricing basis given "negotiable standard panel rates." Annexure L says rates are "negotiable standard rates across the panel ... for phase 2 task order allocation." Confirm how price is scored at Gate 2 if rates are to be standardised/negotiated across the panel after award — i.e., what exactly is being price-scored.	Refer to the updated statement below on Annexure L – Pricing Schedule: <i>"Tenderers should be aware that this project will operate on a task-based framework, with costs</i>	11 June 2026

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		<i>based to case classification at the task order allocation stage. The assignment of task orders will be performance-driven, meaning service providers will only secure additional work if they consistently demonstrate strong productivity, high-quality deliverables, and compliance with required turnaround times."</i>	
9.	Hard-copy contradiction. Annexure U (Standard Conditions) §2.2 requires "the complete original tender and one (1) complete hard copy," but the ITT says electronic only, no hard copy. Confirm e-Tendering electronic submission is the sole method (the ITT should override, but U is generic).	Tenderers to refer to the second paragraph under section 2.2 of Annexure U – Eskom Standard Conditions of Tender which reads as follows: <i>"For E-tendering the tenderer must upload and finalize the tender via Eskom Tender bulletin site on the Eskom E- tendering page by no later than the closing date and time for tender."</i> submission.	11 June 2026
10.	Confirm the 04 Jun clarification-meeting minutes/addenda — we have the subcontracting-removal addendum; confirm no other addenda are outstanding.	The addendum named "SDL&I Subcontracting Removal - Forensic Investigations Backlog Project" has been published on Eskom Tender Bulletin and National Treasury e-Tender portal.	11 June 2026
11.	Annexure L typo — "will be disqualified, and the submission will be deemed responsive" should read non-responsive. Cosmetic; flag only if you want it corrected.	Annexure L – Pricing Schedule updated to read "non-responsive"	11 June 2026
12.	a) We are in receipt of the Invitation to Tender/Proposal from Eskom Holdings SOC Ltd and the following addenda issued by Eskom: Do we need to fill in the table provided in this section, if so, what addenda issued by Eskom is the above paragraph referring to and where do I get this information if we have to fill in the said table.	a) Tenderers to complete the table and provide details of any addenda (changes) issued during the tendering period.	11 June 2026

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	b) Provide the cataloguing information as described in the Invitation to Tender ♦. I have ticked this one, is that correct or required?	b) Tenderers to ignore cataloguing section as it is not applicable.	
13.	I just want to find out where the documents (Annexure A – J) are loaded? It is not currently on the Eskom portal.	Annexures A – J are part of the Invitation to Tender document.	11 June 2026
14.	Regarding the Health & Safety section on page 11, under 'Risk Assessment as per Act No. 85 of 1993', are there any additional specification requirements or evaluation criteria that should be included?	Ordinarily, basic principles of risk assessment are accepted based on the methodology used by respective suppliers, and these are basic variables to be considered: Activity (broken down-e.g. driving, walking to the office, administrative, etc), Hazard & Risk associated with such activity, risks rating according to their matrix and control measures (mitigation measures ought to be practical not abstract).	11 June 2026
15.	With regard to the requirement relating to the company's track record, specifically the submission of reference letters confirming that the company provided post-investigation support to clients, we would like clarification on the following: If a company had multiple contracts with the same client at different times and provided post-investigation support under each of those contracts, may the company submit separate reference letters for each contract? Or is the requirement based on the number of distinct clients rather than the number of contracts? Your guidance on this matter would be appreciated.	The intention of the requirement for reference letters is intended to demonstrate relevant experience, commitment, and availability of the tenderer during and after the contract period as far as post investigation support on completed investigations are concern. Tenderers may submit the duly reference letter/s from same client provided, such letter clearly indicates the different contract/cases , distinct engagement, or the scope of services rendered, also the period within which the post investigation services was rendered.	11 June 2026
16.	Could you please clarify whether the table should contain all 20 CVs, or only the CVs for the Director, Senior Manager, Manager, and Investigator roles?	The table should only have the CV's for the Director, Senior Manager, Manager, and Investigator roles, unless the service provider has capacity for other specialised forensic services in which case these services should also be included.	15 June 2026

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17.	We have completed the e-Tendering training acknowledgement form, and we would like for you to advice where we should submit it to, or it will be part of the tender submission.	The e-Tendering training acknowledgement form should be part of the tender submission at the tender closing date.	15 June 2026
18.	The ITT states that a maximum of 10 points will be awarded for specific goals in accordance with the PPPFA. However, the PPPFA states that the 90/10 system is to be applied where it is envisaged that the contract values will be above R50 million (including taxes). Can Eskom confirm that the contracts to each service provider on this panel during the 18 months will be above R50 million?	This is a project and not a panel. The application of the 90/10 preference point system is based on the estimated contract value. However, the actual value allocated to each service provider will depend on the contract value awarded to each service provider. Therefore, Eskom cannot confirm at this stage that each service provider on the project will receive contracts exceeding R50 million over the 18-month period.	15 June 2026
19.	Functional Evaluation Criteria – 5 Company Track Record (No. of Investigations) Eskom requires bidders to have carried out 30 or more investigations over the past three years. Forensic investigations by their very nature take time to conclude. It is therefore only big audit/ forensic firms that may achieve this requirement. Small firms may not have had the capacity to carry out such number of investigations within three years. Even Eskom itself, despite acknowledging that they have a backlog of cases, have not managed to allocate that number of Task Orders within the past three years. Is it Eskom's intention to exclude SMME's from this panel?	No, as indicated in the tender enquiry, this is a special project with tight timelines. The backlog is required to be completed within twelve months. Accordingly, tenderers are required to demonstrate that they have the capacity to cater the high volume of investigations/cases and to complete investigations within constrained timeframes.	15 June 2026
20.	Functional Evaluation Criteria – 5 Company Track Record (Period of Investigations) “Number of investigations completed in last 36 months” When does the counting backwards of this period begin? As of tender issue date or tender closing date?	Tender closing date.	15 June 2026

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21.	Functional Evaluation Criteria – Company experience and capacity (No. of Resources) Eskom requires the bidders to have a resource count of more than 20 in order to score full points on this criterion. Again, this appears to be targeting big firms at the expense of SMME's which seems to be against Eskom's on own of developing small firms. In addition, the Senior Manager explained during the briefing session that there will be no bulk allocations of Task Orders to the service providers on the panel. And in the clarification notes, Eskom states as follows: <i>"The assignment of task orders will be performance-driven, meaning service providers will only secure additional work if they consistently demonstrate strong productivity, high-quality deliverables, and compliance with required turnaround times."</i> If such will be the case, why does Eskom require 20 resources that will just be remaining idle when no bulk allocations of TOs is contemplated?	The requirement is informed by nature and demand of this project. Points will be allocated as per stated requirements.	15 June 2026
22.	Functional Evaluation Criteria – Company experience and capacity (Years of Experience of Project Leader) Eskom states as follows: <i>"Project Leader is a Certified Fraud Examiner (CFE) or institute of commercial Forensic Practitioners (ICFP), Chartered Accountant CA (SA) or Admitted attorney or Advocate with at least 15 years of investigative Experience =5</i>	To attain the 5 Points, the project leader must have 15 years investigative experience. Less than 15 =0 points on this sub criteria. No in between points.	15 June 2026

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	<i>(no membership and less than 10 years – no points to be awarded for this sub criteria)”</i> What score will be given if the Project Director’s experience is above 10 years but below 15 years? There is a gap there.		
23.	Please clarify the following: Section 2. Team Qualifications and Skills Does the requirement for proof of Professional certification/membership mean that all team members must be certified CFEs or FPs or Auditors etc., or will ACFE Associate membership and ICFP Associate membership also be accepted as professional membership? Section 4. Experience – Testifying How will scoring be done in the various categories for multiple investigators, managers etc., will a combined score be determined for each category e.g., all investigators will have a combined average score? Can more than 10 points be allocated per category?	The requirement is for proof of valid professional membership. The list provided is not exhaustive, as indicated by the inclusion of “etc.” For section 4: for evaluation under section 4 , out the multiple investigators, will consider all if they fully meet the requirements, or the investigator in the most advantageous position than the others.	15 June 2026
24.	I refer to the above matter and the tender, which opened on 27 May 2026 at 18:40 and is scheduled to close on 23 June 2026 at 10:00. I wish to enquire where the tender documents may be obtained, as there appears to be no trace of them on the Eskom website.	Tender documents are accessible on Eskom Tender Bulletin and National Treasury e-Tender portal.	15 June 2026
25.	a) Eskom proposes the following skills levels: Director, Senior Manager, Manager/Senior Investigation, and Investigator, and as per section 1. D) of Annexure O, “<i>All Management team to be assigned for Eskom special project have more</i>	a) <i>All Management team to be assigned for Eskom special project have more than 10 years of investigative experience = 5 (less than 10 years – no points on this sub criteria.</i>	18 June 2026

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	<i>than 10 years of investigative experience = 5 (less than 10 years – no points on this sub criteria) [sic].</i> Does Eskom consider Directors and Senior Managers part of the management team? Are Managers/Senior Investigators excluded from the management team?	The “management team” for purposes of this sub-criterion refers to the senior resources proposed to lead and oversee the execution of the project, as reflected in the tender team structure. This includes, but is not limited to, Directors/Partners and Associate Directors/Senior Managers, as well as Managers/Senior Investigators where they perform management and supervisory functions within the proposed team structure. Accordingly, these roles are considered part of the management team where they are assigned responsibility for managing and delivering the work. They are therefore not excluded from this criterion. The evaluation will be based on the tenderer’s submitted team structure and clearly defined roles and responsibilities in Annexure O1.	
	b) The pricing proposal provides for the inclusion of specialist services (computer forensic/cyber forensic services, polygraph services and hand-writing examination and reporting). Are there specialist services required?	b) Yes, the specialist services will be required; however, this will be determined on a case-by-case basis dictated by task orders scope of work. Tenderers are nonetheless required to include pricing for these services at the tender stage to indicate the capability and capacity to support specialised aspects of the scope where needed.	

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	c) The method statement that needs to be completed is only in PDF format, whereas it has been in Word format in the past. Would you kindly provide tenderers with a Word version of the method statement?	c) Tenderers are required to work on the PDF format that has been provided. Word format cannot be provided.										
26.	With reference to the briefing session where it was stated that sub-contracting 20% of the contract value is no longer a requirement, we note that the NEC3 contract still includes a section pertaining to sub-contracting. Will you be issuing an amended NEC3 for the tenderers to sign prior to the tender submission date, or can we cross that section out when we sign the NEC3 that is available on the tender portal.	Tenderers may cross out the sub-contracting section in the NEC3 that is available on the tender portal. The addendum for sub-contracting removal has been published on Eskom Tender Bulletin and NT e-Tender portal.	18 June 2026									
27.	<table><tr><th>Annexure / Document</th><th>Question</th><th>Answers</th></tr><tr><td> - Annexure M – NEC Forensic Investigations Backlog Project; and Annexure U – Eskom Standard Conditions of Tender </td><td>Are we permitted to submit our notes/comments on the agreements, or are we required to sign and submit them as they are?</td><td>Tenderers are permitted to submit their notes/comments in a separate document with the tender submission at tender closing date.</td></tr><tr><td> - Annexure R – Quality – 20260518_Form A Cat4 Forensic Investigations; - Annexure R – Quality – 20260518_Cat4 – Quality Req_Forensic Investigations </td><td>Please clarify what is required from us in relation to these annexures.</td><td> - Annexure R – Quality – 20260518_Form A Cat4 Forensic Investigations – Tenderers are required to complete and submit Form A at tender closing date. - Annexure R – Quality – 20260518_Cat4 – Quality Req_Forensic Investigations - Tenderers are required to submit all tender returnables specified in this document. </td></tr></table>		Annexure / Document	Question	Answers	Annexure M – NEC Forensic Investigations Backlog Project; and Annexure U – Eskom Standard Conditions of Tender	Are we permitted to submit our notes/comments on the agreements, or are we required to sign and submit them as they are?	Tenderers are permitted to submit their notes/comments in a separate document with the tender submission at tender closing date.	- Annexure R – Quality – 20260518_Form A Cat4 Forensic Investigations; - Annexure R – Quality – 20260518_Cat4 – Quality Req_Forensic Investigations	Please clarify what is required from us in relation to these annexures.	- Annexure R – Quality – 20260518_Form A Cat4 Forensic Investigations – Tenderers are required to complete and submit Form A at tender closing date. - Annexure R – Quality – 20260518_Cat4 – Quality Req_Forensic Investigations - Tenderers are required to submit all tender returnables specified in this document.	18 June 2026
Annexure / Document	Question	Answers										
Annexure M – NEC Forensic Investigations Backlog Project; and Annexure U – Eskom Standard Conditions of Tender	Are we permitted to submit our notes/comments on the agreements, or are we required to sign and submit them as they are?	Tenderers are permitted to submit their notes/comments in a separate document with the tender submission at tender closing date.										
- Annexure R – Quality – 20260518_Form A Cat4 Forensic Investigations; - Annexure R – Quality – 20260518_Cat4 – Quality Req_Forensic Investigations	Please clarify what is required from us in relation to these annexures.	- Annexure R – Quality – 20260518_Form A Cat4 Forensic Investigations – Tenderers are required to complete and submit Form A at tender closing date. - Annexure R – Quality – 20260518_Cat4 – Quality Req_Forensic Investigations - Tenderers are required to submit all tender returnables specified in this document.										

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		- Annexure R – Quality – 240-126469599_Method Statement Template Rev2; - Annexure R – Quality – 20260518_Form A Cat4 Forensic Investigations; - Annexure R – Quality – 20260518_Cat4 – Quality Req_Forensic Investigations	Are we required to complete and submit these annexures at this stage of the bid process?	Tenderers are required to submit the documents at tender closing date.	
		Financial Statements	Are we permitted to submit a financial declaration rather?	Tenderers must provide documents specified in the Due Diligence/Financial Analysis section of the tender returnables.	
		Annexure O: Technical Evaluation Criteria	Please clarify whether the request for case numbers must be produced for each team member or should the tenderer submit an amount of case numbers according to their discretion which cover the levels below: a) Non submission and No experience in testifying = 0 b) Internal Disciplinary only= 5 c) Internal Disciplinary plus CCMA=7 d) CCMA plus Labour Court plus Criminal plus Civil = 10	Tenderers are required to provide case numbers or case references as evidence of experience and/or exposure to testifying and civil claims for each specified team member role, namely Directors/Partners, Associate Directors/Senior Managers, Managers/Senior Investigators, and Investigators.	

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28.	a) Will Eskom recognise professional forensic accreditations and certificates that were obtained outside of South Africa for qualifications and requirements that were stipulated within the expectations of E2955CXMWP. b) The bidding documents state that our proof of relevant company experience must include associated case numbers and related case information. Due to the sensitivity of the cases which we work on as well as the profile of our clients, would it be permissible for us to redact information such as client names and case numbers. Please advise.	a) All certificates, accreditation and qualifications obtained outside of South Africa, must be evaluated and recognised by the South African Qualifications Authority (SAQA). Furthermore, qualifications should be graded in accordance with the SA National Qualifications Framework Act 67 of 2008. It is essential that prospective tenderers ensure their foreign qualifications are pre-evaluated by SAQA prior to submission. b) We appreciate the concern about confidentiality and the sensitivity of case details as well as the importance of maintaining discretion around case information, especially considering the profile of clients involved. While we do not require tenderers to disclose specific details of cases investigated, it is necessary for submissions to include the names of clients and the relevant case numbers or titles of investigations. These details are essential for us to verify that the claimed work was actually performed. Without the inclusion of client names, we would not be able to properly validate the experience submitted. If prospective tenderers wish to share additional information about the cases, they are welcome to do so, although it is not mandatory.	18 June 2026	

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29.	Concern regarding Annexure O: Company Experience requirement We refer specifically to Annexure O: Technical Evaluation Criteria, under the functionality category dealing with Company Experience and Capacity, carrying 40% of the technical/functionality score. As we understand the Annexure O scoring matrix, maximum points for company experience are allocated only where a tendering company has 11-15 years' company experience in forensic investigations. We respectfully request Eskom to reconsider whether this scoring band is proportionate to the actual purpose of the procurement. Forensic investigation services are primarily delivered through the competence, experience, independence and integrity of individual investigators, forensic specialists, digital forensic experts, project leaders and supervisors. While company infrastructure and systems are important, they are enabling mechanisms rather than the sole source of investigative capability. This is particularly so where the same Annexure O/O1 functionality framework already requires tenderers to demonstrate the availability of qualified and experienced personnel, including senior investigators, project leaders, managers and investigators with relevant forensic experience and experience in testifying.	The scoring allocation for company experience is not arbitrary, but rather reflects the importance of sustained, proven capability in the forensic investigation sector. The model is designed to ensure objectivity and consistency in evaluating tenderers' capacity to deliver forensic investigation services for Eskom. The scoring matrix accommodates a range of company profiles by awarding points proportionately for 1–10 years and 11–15 years of relevant experience, as well as for the number of immediately available resources and the qualifications of key personnel. This approach maintains fairness while prioritising the operational stability and depth of experience necessary for Eskom's special projects. The stipulated requirements are informed by the scope, anticipated volume of work, and constrained timelines associated with the project. They are not intended to exclude capable companies, but rather to assess demonstrated capacity, capability, and readiness to deliver on the required scope. Furthermore, the company experience criterion is designed to complement, rather than duplicate, other evaluation measures, ensuring that both individual expertise and organisational capability are adequately assessed.	18 June 2026
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	The current scoring approach risks creating a situation where a company with up to 10 years of forensic investigation experience, supported by investigators and managers with 10, 15, 20 or more years of individual experience, may be prevented from achieving full functionality points on company experience. In our respectful view, this is disproportionate and may unfairly favour long-established first-tier firms, even where a black-owned medium-sized supplier is able to demonstrate equivalent or superior operational capacity through its proposed team. We therefore respectfully submit that the company-experience scoring requirement should be reviewed so that it does not unduly penalise capable black-owned firms that have substantial project delivery capability and experienced personnel, but may not have 11-15 years of corporate forensic trading history.	Eskom is of the view that the current scoring model appropriately balances inclusivity with the need for demonstrated competence and capacity. It does not unfairly disadvantage capable firms but ensures that all tenderers are evaluated against criteria that reflect both individual and organisational strengths. For these reasons, we do not support the proposed revision to the company experience scoring requirement, and the requirement will remain unchanged.	
30.	Concern regarding Annexure O: Company Track Record / Post-Investigation Support testimonials We also refer to Annexure O: Technical Evaluation Criteria, under the functionality category dealing with Company Track Record, which is reflected in the main RFP functionality summary as carrying 25% of the technical/functionality score. As we understand the Annexure O scoring matrix, bidders are required to provide five or more testimonial/reference letters confirming post-investigation support experience, limited to work performed within the past three years, in order to obtain maximum points. We further understand that the scoring approach provides no or inadequate recognition for tenderers that have fewer than five such testimonials, even where they have relevant forensic investigation experience, capable personnel, and investigators who have personally provided	In relation to the requirement for five (5) or more reference letters, Eskom wishes to clarify that the requirement is for a minimum of five (5) references, and not necessarily five (5) separate letters. Accordingly, a single reference letter may include multiple case references, provided that it clearly substantiates at least five (5) individual assignments. This clarification was communicated during the clarification meeting held on 4 June 2026. The limitation of evidence to the past 36 months is intended to ensure the assessment of verifiable and recent performance, serving as an indicator of current operational capability, reliability, and quality of service delivery.	18 June 2026

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evidence in internal disciplinary hearings, courts, arbitrations or other formal proceedings. We respectfully request clarification on the rationale for limiting this track-record evidence to the past three years and for requiring five or more post-investigation support testimonials as a condition for meaningful scoring. Post-investigation support is an important aspect of forensic investigation services. However, it is typically provided through individual investigators, managers, legal reviewers and forensic specialists who support disciplinary proceedings, criminal referrals, civil recovery steps, affidavits, evidence preparation and testimony. The RFP already includes a separate functionality criterion for Experience Testifying, which carries 10% of the functionality score. It is therefore not clear why company-level post-investigation support testimonials should be applied in a way that may effectively duplicate or over-emphasise one element of capability. In addition, the three-year limitation may disproportionately favour large first-tier suppliers that have multiple concurrent contracts and therefore multiple opportunities to secure five or more testimonial letters within a narrow 36-month period. Medium-sized black-owned forensic firms may perform highly complex and successful investigations over fewer contracts during the same period, particularly because access to large public sector forensic panels has historically been limited and highly concentrated. The practical effect of the current requirement may therefore be to narrow competition in favour of firms that have historically	The requirement for five (5) or more references confirming post-investigation support is designed to assess the tenderer's ability to deliver comprehensive forensic services, including support beyond the investigation phase. Such references provide tangible evidence of both the quality and reliability of comparable engagements. Furthermore, the Company Track Record criterion is intended to evaluate organisational capacity and reliability at a firm level. This requirement ensures that Eskom's backlog project is supported by service providers with a demonstrated track record of delivering end-to-end solutions, including the provision of post-investigation support. The scoring matrix is structured to allocate points proportionally, thereby recognising relevant experience even where the number of completed investigations or references falls below the maximum threshold. For these reasons, we do not support the proposed revision to the Company Track Record scoring requirement.	
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	enjoyed greater market access, rather than to objectively assess whether a tenderer is functionally capable of delivering the backlog project. This would be inconsistent with the transformation objectives that public procurement is intended to support. Accordingly, we submit that the track-record criterion should be capable of assessing equivalent evidence of functionality, including case schedules, reference letters, assignment letters, client confirmations, post-investigation support examples, and team-level testimony experience.		
31.	Concern regarding Annexures O / O1: Experience Testifying requirement We further refer to the functionality criterion dealing with Experience Testifying, which the main RFP identifies as carrying 10% of the functionality score, with the RFP directing tenderers to Annexure O and Annexure O1 for the detailed technical evaluation criteria and team experience requirements. As we understand the Annexure O/O1 scoring matrix, the scoring for testifying experience differentiates between the types of forums in which evidence has been given, with higher recognition apparently being accorded to particular forums, including court-based testimony. We respectfully submit that this approach should be reconsidered. We recognise the importance of testifying experience in forensic investigations. The ability of investigators to give evidence demonstrates that their work can withstand scrutiny, that investigation files are properly prepared, that findings are	We acknowledge the concern raised and have considered your proposal; however, we do not agree with the submission that the scoring matrix should be broadened to recognise investigators testifying experience in all forums equally. The evaluation criteria are designed to ensure that team members possess substantial and relevant experience in forensic investigations, specifically in areas such as Fraud, Corruption, Procurement/Supply Chain Management irregularities, Recruitment matters, Unethical Conduct, and Conflict of Interest. The rationale for differentiating between forums is to ensure the evaluation recognises the complexity and technical demands of testifying in higher-level legal environments, such as the Labour Court, Criminal Court, and Civil Court. These settings often require advanced preparation, a deeper understanding of evidentiary and procedural standards, and the ability	18 June 2026

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evidence-based, and that reports can support disciplinary, civil, criminal, regulatory or administrative proceedings. However, the current scoring approach appears to assume that testimony experience in certain forums is inherently more valuable or technically superior than testimony experience in other legally recognised or specialised forums. In our respectful view, this distinction is too narrow and may unintentionally advantage bidders whose historic case profile happened to involve particular types of proceedings, while disadvantaging other capable bidders whose investigators have testified or supported proceedings in equally demanding forums. Forensic investigation work may culminate in a wide range of formal proceedings, including but not limited to: • internal disciplinary hearings; • CCMA proceedings; • bargaining council proceedings; • Labour Court proceedings; • High Court proceedings; • criminal proceedings; • commercial crime proceedings; • regulatory or administrative tribunals; • sector-specific tribunals; • the Competition Tribunal; • arbitration proceedings; and • other specialised courts or quasi-judicial forums. The preparation of evidence for these forums often requires materially similar capabilities: proper evidence gathering,	to withstand rigorous cross-examination. While experience in other forums is valuable, the scoring matrix is intentionally structured to reflect the increased significance and technical complexity associated with testifying in these legal settings. This approach is consistent with best practice in forensic and legal evaluation, where higher-level legal experience is weighted more heavily. Furthermore, the requirement for tenderers to provide specific case numbers ensures that evidence of testifying experience is verifiable and objectively assessed. This promotes transparency and fairness in the evaluation process. In conclusion, the scoring matrix is designed to reward demonstrable and verifiable experience in the most demanding legal forums without diminishing other types of experience but recognising the technical superiority and relevance of testifying in court-based proceedings. Furthermore, the evaluation criterion will be applied to all prospective tenders equally, therefore no prospective tenderer will be prejudiced or preferred in any way. We therefore do not agree with the submission to broaden the scoring criteria and maintain the current approach as outlined in Annexures O and O1.	
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	chain of custody, defensible analysis, accurate record keeping, professionally drafted reports, witness preparation, the ability to withstand cross-examination or questioning, and an understanding of procedural fairness and evidentiary standards. It is therefore not clear why the scoring matrix should materially differentiate between forums in a way that may discount relevant testifying experience merely because it was not obtained in a named or preferred forum. We are particularly concerned that the current formulation mentions certain forums by specific name, such as CCMA and Labour Court, while not giving express or equivalent recognition to other legitimate and specialised forums such as the Competition Tribunal, sector bargaining councils, commercial crimes courts and other specialised adjudicative or regulatory forums. This creates uncertainty and may result in relevant and defensible testifying experience being undervalued. We therefore respectfully request that Eskom reconsider the scoring approach for the Experience Testifying criterion in Annexure O and Annexure O1 so that the requirement recognises investigator testifying experience more broadly, without undue differentiation between forums.		
32.	Transformation concern We respect Eskom's right to set functional criteria that ensure only capable, technically competent and adequately resourced service providers are appointed. We also accept the need for	Eskom recognises the importance of transformation and broadening market participation, in line with public procurement objectives. However, the technical and functionality criteria set out in Annexure O and O1 are intended to ensure that service providers demonstrate both individual and	18 June 2026

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	high standards given the sensitivity of forensic and anti-corruption work. However, functionality requirements should be rationally connected to the actual capability required to perform the work. In our respectful view, requirements that allocate maximum points only to companies with 11-15 years of corporate forensic investigation history, or that require five or more post-investigation support testimonials within the past three years, may operate as barriers to entry for capable black-owned medium-sized forensic firms. This is particularly concerning in a tender where Eskom intends to appoint multiple service providers to accelerate case resolution and optimise resource utilisation. The appointment of multiple suppliers presents an opportunity to broaden market participation while still maintaining robust functionality thresholds. The functionality threshold of 70% already ensures that only technically capable tenderers proceed further in the evaluation process.	organisational capability, as well as readiness to deliver on the scale and complexity of Eskom's forensic backlog project. The scoring model, including company experience and track record requirements, is designed to be inclusive by awarding points proportionally across a range of experience and references, while prioritising operational stability and proven capacity. The criteria are not intended to act as barriers to entry, but rather to ensure that only technically capable and reliable firms are appointed. The appointment of multiple suppliers further supports inclusivity by allowing broader participation, provided the functionality threshold of 70% is met. Eskom maintains that its scoring criteria appropriately balance transformation objectives with the need for high standards and will continue to apply these criteria consistently to all tenderers.	
33.	Requested clarification and proposed amendment We respectfully request that Eskom consider issuing a clarification or amendment to Annexure O and Annexure O1 in relation to the following: 5.1 Company Experience We request that the company-experience requirement be revised so that full points may be awarded for tenders with less than 11 years' experience where a tenderer can demonstrate either:	5.1 Company Experience Eskom acknowledges the proposal to revise the company-experience requirement so that full points may be awarded for less than 11 years' experience, based on a combination of corporate and individual	18 June 2026

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• sufficient corporate experience in forensic investigations; or • a combination of reasonable company experience, relevant completed assignments, adequate infrastructure, quality systems, and a proposed team with substantial individual forensic investigation experience. This would avoid penalising capable black-owned firms whose senior teams have extensive experience but whose companies may not have 11-15 years of trading history in forensic investigations.	capabilities. However, the current scoring matrix has been intentionally structured to reflect the value of sustained organisational capacity, awarding points proportionally for both 1–10 years and 11–15 years of relevant forensic investigation experience. This approach ensures objectivity and consistency in evaluation, while recognising both company longevity and the immediate availability and qualifications of key personnel. The criteria complement, rather than duplicate, other measures of individual expertise, ensuring a holistic assessment of tenderers. Eskom does not support the proposed revision and will retain the existing company experience scoring requirement as outlined in Annexure O.	
5.2 Company Track Record / Post-Investigation Support We request that the requirement for five or more testimonial/reference letters confirming post-investigation support be amended to allow reference letters older than three years where the work remains relevant. We further request that proportional scoring be introduced for fewer than five testimonials so that tenderers with one, two, three or four credible references are not effectively excluded from meaningful scoring.	5.2 Company Track Record / Post-Investigation Support Eskom clarifies that the requirement is for a minimum of five (5) references, not necessarily five individual letters; a single reference letter may include multiple substantiated assignments. The restriction to evidence from the past three years is intended to ensure the assessment of recent, verifiable performance as an indicator of current operational capability. The scoring matrix is structured to allocate points proportionally, recognising relevant experience even where the number of references is below the maximum threshold. This ensures that tenderers with fewer than five references are not excluded from meaningful scoring. The requirement	

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5.3 Experience Testifying We respectfully request that the Experience Testifying criterion be reviewed so that scoring is based on whether the proposed investigators, managers, senior investigators, project leaders or directors have relevant experience in giving evidence or supporting evidence-led proceedings, rather than on a restrictive hierarchy of specific forums. We propose that Eskom consider amending the criterion to recognise testifying or formal evidence experience in any properly constituted legal, disciplinary, regulatory, administrative, arbitral or quasi-judicial forum, including but not limited to courts, disciplinary hearings, CCMA, bargaining councils, Labour Court, commercial crime proceedings, the Competition Tribunal, arbitration proceedings and other specialised forums. We further propose that the scoring matrix be adjusted so that tenderers are not unfairly disadvantaged merely because their investigators' evidence experience was obtained in forums other than those specifically named in Annexure O / O1.	for post-investigation support references is intended to evaluate organisational capacity and reliability in delivering end-to-end forensic services. After careful consideration, Eskom does not support the proposed amendment to allow older references or alter the scoring model and will maintain the current track record requirement. 5.3 Experience Testifying Eskom acknowledges the concern regarding recognition of testifying experience in various forums. The evaluation criteria intentionally differentiate between forums to recognise the technical complexity and demands associated with testifying in higher-level legal environments, such as Labour Court, Criminal Court, and Civil Court. These settings require advanced preparation, deep understanding of evidentiary standards, and the ability to withstand rigorous cross-examination. While experience in other forums is valuable, the scoring matrix is structured to reflect the increased significance and complexity of court-based proceedings. The requirement for specific case numbers ensures transparency and verifiability. Eskom does not agree with broadening the scoring criteria to recognise all forums equally and will retain the current approach, rewarding demonstrable and verifiable experience in the most demanding legal settings, as outlined in Annexures O and O1.	
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	The appropriate test should be whether the proposed resources can demonstrate relevant experience in preparing, presenting, defending or supporting forensic evidence in formal proceedings. We support Eskom's objective of appointing competent service providers capable of assisting with the forensic investigations backlog. We submit, however, that the current approach to the company-experience, post-investigation support track-record and testifying experience requirements may have the unintended effect of excluding capable black-owned medium-sized suppliers, notwithstanding their ability to provide qualified resources, experienced investigators, project leadership, digital forensic capability, post-investigation support and testimony experience. We therefore respectfully request Eskom to reconsider these specific functionality requirements in Annexure O and Annexure O1, or alternatively to clarify how bidders may submit equivalent evidence of capability without being prejudiced by corporate-age and narrow recent-reference requirements. We would appreciate Eskom's written response to this enquiry and confirmation whether an amendment or clarification will be issued to all tenderers.		
34.	With regard to the requirement relating to the company's track record, specifically the submission of reference letters confirming that the company provided post-investigation support to clients, we would like clarification on the following: If a company had multiple contracts with the same client at different times and provided post-investigation support under each of those contracts, may the company submit separate reference letters for each contract? Or is the requirement based	The intention of the requirement for reference letters is intended to demonstrate relevant experience, commitment, and availability of the tenderer during and after the contract period as far as post investigation support on completed investigations are concern. Tenderers may submit the duly reference letter/s from same client provided, such letter clearly indicates the different contract/cases, distinct engagement, or the scope of services rendered, also	18 June 2026

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	on the number of distinct clients rather than the number of contracts?	the period within which the post investigation services was rendered.	
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